

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

MARY JANE KINCAID

PLAINTIFF

V.

NO. 1:14CV00123-JMV

**CAROLYN COLVIN,
ACTING COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

FINAL JUDGMENT

This cause is before the court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying claims for a period of disability and Disability Insurance Benefits and Supplemental Security Income. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

Consistent with the court's ruling from the bench during oral argument, the court finds the ALJ's residual functional capacity ("RFC") determination is not supported by substantial evidence in the record. Specifically, the ALJ failed to consider evidence showing that in May 2012 Dr. John Adams evaluated the claimant for gait instability and prescribed a cane. Additionally, Dr. Hani Bliebel's December 2011 report fails to provide a clear and complete residual functional capacity ("RFC") assessment. On remand, the ALJ shall obtain a complete RFC assessment from an examining physician and consider it along with all of the evidence in the record. If necessary, the ALJ shall also obtain additional testimony from a vocational expert

in order to determine whether there is any work the claimant can perform in light of her RFC and other important vocational factors. The ALJ may conduct any additional proceedings that are not inconsistent with this order.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is **REVERSED** and **REMANDED** for further proceedings.

This, the 19th day of February, 2015.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE